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PATENT COOPERATION TREATY



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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K 59 334/7ch	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/005981	International filing date (day/month/year) 06 June 2003 (06.06.2003)	Priority date (day/month/year) 12 June 2002 (12.06.2002)
International Patent Classification (IPC) or national classification and IPC B42D 15/00, 15/10		
Applicant GIESECKE & DEVRIENT GMBH		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
<input checked="" type="checkbox"/>	This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
	These annexes consist of a total of <u>3</u> sheets.
3.	This report contains indications relating to the following items:
I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 09 January 2004 (09.01.2004)	Date of completion of this report 17 September 2004 (17.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-18 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-17 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 16 July 2004 (16.07.2004)
- ☒ the drawings:  
pages \_\_\_\_\_ 1/4-4/4 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	3-5, 7-9	YES
	Claims	1, 2, 6, 10-17	NO
Inventive step (IS)	Claims		YES
	Claims	1-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

### 2. Citations and explanations

- 1 The application does not satisfy the requirements of PCT Article 6, because claim 9 is not clear.

In claim 1 it is clear that each support film has a security feature and a register mark.

According to the subject matter of claim 9, each support film apparently has only a security feature but no register mark. It is clear that a security feature can be used as register mark. However, according to claim 1 that is not the case: there are security features and *also* register marks.

The subject matter of claim 9 is therefore inconsistent with claim 1.

- 2 Reference is made to the following documents:

D1: US-A-3601913  
D2: US-A-5509691  
D3: EP-A-0400902  
D4: GB-A-2287430  
D5: WO-A-0110701  
D6: US-A-4536016.

- 3 The subject matter of claims 1, 2, 6 and 10 to 17 is not novel.

*Claim 1:*

D1 discloses (see especially column 2, lines 5 to 69; fig. 1) a method for the production of a laminar structure having two security features (M1, M2) which are disposed in register with each other, comprising: provision of a first support film (21a) having a first security feature (M1) and first register marks ("sprocket holes"); provision of a second support film (22a) having a second security feature (M2) and second register marks ("sprocket holes"); and joining of the first support film to the second support film, one of the two support films being held under tensile stress and the support film being controlled in the longitudinal and transverse direction of the support film by means of the first and second register marks so as to produce a laminar structure in which the first and second security features are disposed in register with each other.

D1 implies that the support films are held under tensile stress.

D1 discloses a "laminar structure", because the layers (20, 21a, 22a, M1 and M2) are joined together.

In D1, the two security features (M1 and M2) are disposed in register (see column 2, lines 62 to 69; fig. 1).

It should be observed that the phrase "in register" is actually to be construed as "approximately in register", because absolute register is an impossibility.

*Claim 12:*

The subject matter of claim 12 is known from D1, D2 (see especially column 3, line 58 to column 4, line 61; figures), D3 (see especially column 10, lines 9 to 30; fig. 12) or D4 (see especially column 9, lines 5 to 16; fig. 7).

*Claims 2, 6, 10 to 17:*

The subject matter of claims 2, 6 and 10 to 17 is known from D1; the subject matter of claims 13 to 17 is known from D2 or D3; the subject matter of claims 14 to 17 is known from D4.

- 4 The present application does not satisfy the requirements of PCT Article 33(3) because the subject matter of claims 3 to 5 and 7 to 9 does not involve an inventive step.

Dependant claims 3 to 5 and 7 to 9 concern minor modifications of the kind that a person skilled in the art routinely makes on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable. Consequently, the subject matter of claims 3 to 5 and 7 to 9 likewise does not involve an inventive step.

- 5 Observation: the concept underlying the invention is to use register marks and detectors to join two films together in precise register. The elongation of the films is controlled by means of the signals

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from the detectors.

D5 (see especially page 13, lines 10 to 13) or D6 (see especially column 4, line 65 to column 5, line 8) disclose the same solution (register marks + detector) to the same problem (precise register). The technical field covered by the application, D5 and D6 is in fact the same, namely a laminar structure (e.g. forms, security documents).